

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

JUAN JAVIER ORNELAS	§	
VS.	§	CIVIL ACTION NO. 9:18-CV-65
LEONTYNE HAYNES	§	

ORDER OVERRULING DEFENDANT’S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Plaintiff Juan Javier Ornelas, a prisoner previously confined at the Eastham Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Leontyne Haynes.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends denying defendant’s motion to dismiss the action for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the Magistrate Judge’s Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). Plaintiff alleges the defendant retaliated against him for filing a grievance and reporting alleged sexual abuse. The Magistrate Judge correctly concluded that plaintiff had alleged facts that state a claim of retaliation, and that it would be premature to dismiss the action at this stage of the proceedings.

**ORDER**

Accordingly, defendant's objections (document no. 30) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (document no. 29) is **ADOPTED**. Defendants' motion to dismiss (document no. 14) is **DENIED**.

So **ORDERED** and **SIGNED** March 9, 2019.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark, Senior District Judge